

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature Second Regular Session - 2012

IN THE SENATE

SENATE BILL NO. 1362

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO AN APPLICATION OF THE STATE OF IDAHO UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A CONVENTION FOR PROPOSING AMENDMENTS TO THE UNITED STATES CONSTITUTION; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 93, TITLE 67, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR THE APPOINTMENT OF DELEGATES TO THE CONVENTION, TO PROVIDE FOR THE INSTRUCTION TO, SCOPE AND LIMITATION OF AUTHORITY OF, AND COMPENSATION OF SAID DELEGATES, TO PROVIDE DUTIES OF THE SECRETARY OF STATE AND TO PROVIDE A CITATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. The Legislature finds:

Whereas, the Legislature of the State of Idaho has passed a concurrent resolution making Application to the Congress under Article V of the United States Constitution for a convention to propose amendments to the United States Constitution; and

Whereas, when Congress convenes a convention after receiving similar Applications from the legislatures of 34 states, it is the desire of the Legislature of the State of Idaho to have an orderly convention and to have the will of this Legislature fulfilled by its delegates; and

Whereas, the Legislature of the State of Idaho desires that its delegates to an Article V convention be prohibited from approving any proposed amendments outside of the subject matters set forth in Idaho's Application for said convention thereby avoiding any possibility of a "runaway convention."

SECTION 2. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 93, Title 67, Idaho Code, and to read as follows:

CHAPTER 93

UNIFORM LIMITED CONVENTION ACT OR "NO RUNAWAY CONVENTION" ACT

67-9301. DEFINITIONS. For purposes of this chapter:

(1) "Scope of the applications" means the specific subject matters or topics for proposed amendment(s) to the United States constitution, set forth in the aggregate applications relied on by congress to call an article V convention.

(2) "Article V convention" means a convention of the states for proposing amendments applied for and called by congress under the authority of article V of the United States constitution.

(3) "Application" means a legislative resolution of any state making application under article V of the United States constitution to congress to

1 call a convention for the sole purpose of proposing amendments to the United  
2 States constitution.

3 (4) "Unauthorized amendment" means any amendment proposed by an arti-  
4 cle V convention that is not within the scope of the Idaho application.

5 (5) "Delegate" means an individual elected or appointed to serve as a  
6 delegate from Idaho to an article V convention.

7 67-9302. INSTRUCTION TO DELEGATES AND LIMITATIONS ON AUTHOR-  
8 ITY. (1) No delegate, while serving as a delegate from Idaho to an article  
9 V convention, shall vote to consider, approve or propose an unauthorized  
10 amendment.

11 (2) Prior to receiving a certification from the secretary of state,  
12 each delegate shall take the following oath: "I do solemnly swear or affirm  
13 that I accept and will act according to the limits of authority provided by  
14 the Uniform Limited Convention Act of 2012, Chapter 93, Title 67, Idaho Code,  
15 and that I will not vote to consider, approve or propose any unauthorized  
16 amendment within the meaning of said act. I understand and accept that vio-  
17 lating this oath may subject me to immediate revocation of my credentials to  
18 serve as a delegate."

19 (3) No individual shall be qualified as a candidate for the position of  
20 delegate prior to taking the oath specified in subsection (2) of this sec-  
21 tion.

22 (4) Any vote taken by a delegate at an article V convention in violation  
23 of subsection (1) of this section shall be null and void. The credentials of  
24 any delegate casting such vote shall be automatically revoked and said dele-  
25 gate shall be immediately disqualified from further service.

26 (5) It shall be the duty of every delegate to advocate that the article V  
27 convention adopt, as its first act or at the earliest opportunity, rules that  
28 shall include, and be consistent with the following:

29 (a) The sole and exclusive purpose of the article V convention shall be  
30 to consider only those proposed amendments that are within the scope of  
31 the applications; and

32 (b) Following a final vote on all motions to propose the amendments  
33 within the scope of the applications, the business of the convention  
34 shall immediately terminate and the article V convention shall dis-  
35 solve.

36 (6) The delegates shall reject any unauthorized amendment proposed by  
37 the article V convention, unless otherwise directed by concurrent resolu-  
38 tion of the Idaho legislature during the convention.

39 (7) The delegates to the article V convention from the state of Idaho  
40 shall be seven (7) in number and they shall consider themselves an extension  
41 of the Idaho legislature.

42 (a) The delegates shall elect a chairman and a secretary of the delega-  
43 tion from among their number.

44 (b) The vote of two thirds (2/3) of the members of the delegation shall  
45 be required in order to constitute the vote of the delegation on any mat-  
46 ter.

47 (c) The delegates shall be determined in the following manner:

48 (i) Two (2) delegates shall be appointed by the house of represen-  
49 tatives;

1 (ii) Two (2) delegates shall be appointed by the senate; and

2 (iii) Three (3) delegates shall be appointed jointly by the house  
3 of representatives and the senate.

4 (d) The speaker of the house of representatives and the senate pro tem-  
5 pore are hereby authorized and empowered to jointly fill any vacancy on  
6 the delegation with an alternate as provided in paragraph (e) of this  
7 subsection, or by joint appointment if no alternate designated pursuant  
8 to paragraph (e) of this subsection is available.

9 (e) The legislature shall select alternates to serve as delegates to  
10 the article V convention in the event a delegate becomes unable or in-  
11 eligible to serve. If a delegate becomes ineligible to serve pursuant  
12 to the provisions of section 67-9302(4), Idaho Code, the alternate del-  
13 egate shall immediately be entitled to replace the ineligible delegate  
14 and the secretary of state shall immediately certify the alternate del-  
15 egate and inform the officers of the article V convention that the cer-  
16 tification of the ineligible delegate is revoked.

17 (8) The state of Idaho shall compensate delegates in accordance with  
18 the provisions of section 59-509(p), Idaho Code. The delegates may accept  
19 no other compensation for serving as a delegate except that provided by the  
20 state for the article V convention.

21 67-9303. CERTIFICATION OF SECRETARY OF STATE. The secretary of state  
22 shall certify in writing the selection of each delegate to the article V con-  
23 vention after said delegate takes the oath contained in section 67-9302(2),  
24 Idaho Code. The secretary of state shall provide a copy of the certification  
25 to each delegate and to the officers of the article V convention. No delegate  
26 shall have the authority to vote or otherwise serve at the article V conven-  
27 tion without being so certified.

28 67-9304. CITATION. This chapter may be cited as the "Uniform Limited  
29 Convention Act of 2012."